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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,602	04/04/2000	James J. Crow	044557.0015	5339
33031	7590	10/04/2005	EXAMINER	
CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			MIRZA, ADNAN M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/542,602

Applicant(s)

CROW ET AL.

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (U.S. 6,335,927) and further in view of Johnson et al (U.S. 2002/0095400).

As per claims 16,22-24,25 Elliott disclosed a method for managing a plurality of services located on a plurality of servers as an extensible services, comprising: providing a service map management service that receives service location information from each of the plurality of services and generates a service location map comprising a listing of at least one of the plurality of the services included on the extensible service bus and server location information corresponding to each service of the at least one service (col. 30, lines 27-48); a connection status service to monitor the connection status of subscribers and the servers connected to the extensible service bus (col. 37, lines 41-54); and providing a network control service, wherein the network control service causes a setting on a network device to change to establish a network physical connection to the agent machine, and the network physical connection compiles with a requirement for the agent machine to use one of plurality of services (col. 107, lines 41-60).

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However Elliott did not disclose in details providing a registration service where an agent machine can register as a subscriber with the extensible service bus and receive a subscriber identification; providing a login service where the agent machine can connect to the extensible service bus using the subscriber identification.

In the same field of endeavor Johnson disclosed in one embodiment, content delivery bandwidth utilization by individual content supplier or users may be tracked and logged by system management engine enabling an operator of the content supplier or users may be tracked and logged by system management engine enabling an operator of the content delivery system to charge each content supplier or user on the basis of the content volume delivered (Page. 10, col. 0095). Non-continuous and/or stored information management of unique/non-unique information anticipated number of simultaneous subscribers and/or simultaneous stream event duration, system resources per subscriber (Page. 31, col. 0261).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated providing a registration service where an agent machine can register as a subscriber with the extensible service bus and receive a subscriber identification; providing a login service where the agent machine can connect to the extensible service bus using the subscriber identification as taught by Johnson in the method of Elliott to increase the utilization of the server and maintain a premium quality for the customer.

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3. As per claim 17 Elliott and Johnson disclosed providing a subscriber profile database service that stores subscriber data that is required for access to the extensible service bus (Johnson, Page. 35, col. 0291 & 0292).

4. As per claims 18 & 19 Elliott and Johnson disclosed transmitting a copy of the service location map to each subscriber to the extensible service bus (Elliott, col. 30, lines 27-48).

5. As per claim 20 Elliott-Johnson disclosed providing a message posting service for sending messages directly to subscriber when the subscriber is connected to the extensible service bus (Elliott, col. 145, lines 39-51& col. 144, lines 59-67).

6. As per claim 21 Elliott-Johnson disclosed state change service enables the agent machine to communicate via the broadband network (Elliott, col. 135, lines 1-11).

7. As per claim 26 Elliott-Johnson disclosed further comprising causing the agent machine to install a service interface (Elliott, col. 22, lines 19-21).

8. As per claim 27 Elliott-Johnson disclosed further comprising causing the agent machine to update a service interface (Elliott, col. 21, lines 64-67).

9. As per claim 28 Elliott-Johnson disclosed further comprising causing the agent machine to update a load balancing algorithm (Elliott, col. 39, lines 58-65).

10. As per claim 29 Elliott-Johnson disclosed further comprising causing the agent machine to update a fail over mechanism (Elliott, col. 21, lines 64-67).

11. As per claim 30 Elliott-Johnson disclosed further comprising causing the agent machine to interact in accordance with a distribution architecture (Elliott, col. 135, lines 1-11).

12. As per claims 31-35 Elliott-Johnson disclosed wherein the network device is not one of the plurality of servers (Johnson, Page. 4, Paragraph. 0047).

13. As per claims 36-40 Elliott-Johnson disclosed wherein the setting is a desired line speed (Elliott, col. 135, lines 1-11).

***Conclusion***

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

15. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.

16. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label "PROPOSED" or "DRAFT");

(703)-746-7239 (For Official Communications Intended for entry, please mark "EXPEDITED PROCEDURE"),

(703)-746-7238 (For After Final Communications).

17. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

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BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231


Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

Am

Adnan Mirza

Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER